

**BOROUGH OF WESTWOOD
PLANNING BOARD MINUTES
PUBLIC MEETING AGENDA
October 16, 2008**

1. OPENING OF THE MEETING

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

PRESENT: William Martin
Otokar von Bradsky
Robert Bicocchi
Thomas Constantine
Jaymee Hodges, Chairman
Ann Costello, Vice-Chairwoman

James Schluter

Daniel Olivier (Alt. #2)

ALSO PRESENT:

Thomas Randall, Esq., Board Attorney
Ed Snieckus, Burgis Associates, Board Planner
Louis Raimondi, PEELS, Board Engineer

ABSENT:

Mayor Birkner (excused absence)
Councilwoman Cynthia Waneck (excused absence)
Richard Bonsignore (Alt. #1) (excused absence)

William Martin stated he listened to the tape of the last meeting and is eligible to participate tonight.

4. MINUTES: 9/25/08 & 10/2/08 - Carried to the next meeting

(WWPB 10/16/08)

5. CORRESPONDENCE:

1. Letter dated 9/24/08 from Louis Raimondi, P.E., L.S., RE: GMKC;
2. Letter dated 9/24/08 from Burgis Associates RE: Dr. David Goldberg Child Care Center;
3. Memo dated 9/30/08 from Deputy Clerk RE: Expiring Terms;
4. Letters dated 10/3/08, 10/8/08, 10/10/08 & 10/16/08 from Fox Rothschild RE: Wachovia;
5. Letter dated 10/8/08 from Strull and Lans, LLC RE: Dr. David Goldberg Child Care Center;
6. Letter Report dated 10/9/08 from Louis Raimondi, P.E., L.S. RE: Wachovia Bank;
7. Memo dated 10/14/08 from Burgis Associates RE: Wachovia;
8. Letters dated 10/10/08 & 10/14/08 from Beattie Padovano RE: Wachovia;
9. Letter request dated 10/15/08 from Scott Berkoben, Esq. requesting to carry the matter of GMKC Investments until the second week in January, 2009 with a new notice - The Board discussed they did not have their meeting dates in place and was also concerned about the time limitation. Mr. Martin suggested carrying to the December meeting for now. Mr. Martin moved to carry the matter to 12/18/08 and to ask the applicant to explain the reason for his request for an adjournment, with second by Ms. Costello. On roll call vote, all members voted yes.

6. VOUCHERS: A motion to approve Vouchers totaling \$1,387.50 was made by Mr. Martin, seconded by Mr. Schluter and carried unanimously on roll call vote.

7. RESOLUTIONS:

1. **Draft Open Space and Recreation Plan dated 7/8/08 by Ed Snieckus, Burgis Associates** - The Board Attorney read the Resolution of Approval into the record. A motion for approval

(WWPB 10/16/08)

was made by Ms. Costello and seconded by Mr. Bicocchi. On roll call vote, all members voted yes.

8. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS

The Board Professionals were sworn in

1. **GMKC Investments LLC, 75 Bergen Street, Block 1407, Lot 11 - Subdivision - (Ed Snieckus, Burgis Associates recused; David Spatz, Community Housing Develop to act as Substitute Planner) - (Heard 6/12/08, 7/24/08 & 8/14/08) - Carried to the 12/18/08 meeting with new notice required by motion - See correspondence #9 above.**

2. **Dr. David Goldberg Child Care Center from Puccio, Carver Avenue, Block 2110, Lots 10 & 11 - Revised Site Plans received 9/17/08) - Site Plan w/variances (William Martin recused) - Carried to the 11/6/08 meeting;**

3. **Wachovia Bank, N.A. - Remand for Vote of Approval in Accordance with Judge Tosko's Order of 8/8/08 - Thomas Constantine and Daniel Olivier were recused. William Martin listened to the tape of the last meeting and was eligible to vote.**

A court reporter was present on behalf of the applicant for a transcript of these proceedings.

Jeffrey Hall, Esq. represented Wachovia, the applicant. Mr. Randall reviewed from the prior meeting of 10/2/08 and gave an overview of the background, that Judge Toskos ruled that the Site Plan, Concept B, be approved and remanded the matter back to the Planning Board for approval with conditions, and a Consent Order was signed. The only issue before the Board is to attach the conditions. The above items of correspondence relative to this matter were received and acknowledged. The Board is limited in that it is required to vote to approve the major site plan application and to impose reasonable conditions. The Board's right to appeal is preserved.

Mr. Hall read the conditions from the transcript, and said additionally, the objector, Mr. Meisel stated there should be an agreement to provide parking meters, and they were agreeable to that. Mr. Hall accepted all of the conditions.

(WWPB 10/16/08)

The comments of the Borough Professionals were addressed. Mr. Snieckus provided a Memo dated 10/14/08, based on a review of the latest revised plans, and under the completeness items, Page 1. The applicant has submitted the alternative concept "B" that was presented to the Board at the last hearing. Mr. Randall stated the plan is approved subject to the conditions. If there are subsequent conditions, such as variances, if they are reasonable, they may be recommended. The following items were noted by Mr. Snieckus: EIS may be requested; revised plan does not include a grading and drainage plan and details for review; soil erosion plan; lighting and landscaping plans. Further, Mr. Snieckus discussed in his Memo proposed variances and waivers requested in the application and sign design, as well as landscaping, and signage, soil movement. The application was not subject to the new drive-through ordinance. There are 12 spaces along the southerly end of the parking lot, and he recommended a sidewalk be added along the edge of the five spaces to facilitate the safer movement of pedestrians along the streetscape of Madison Avenue. Additional shade trees were recommended.

Mr. Raimondi reviewed his report of 10/9/08 based on the plans from the last meeting dated 4/20/07, entitled "Preliminary and Final Major Site Plans" prepared by Kenderian Zilinski, particularly sheets 1 & 2 of 9. His comments were an EIS should be submitted or a waiver requested. The following should be shown: Proposed topographic contours of the site and adjacent areas; spot elevations; utility services; storm drainage design and improvements; site lighting and details, landscaping and plantings, and construction details and specifications.

Mr. Hall addressed the comments, first of Mr. Raimondi, items (a) through (h) will be complied with. The Board voted on the preliminary plan on 4/26/08, and all these items can be addressed in a final site plan. If the Board wants to condition its approval on this, that would be appropriate. As for the EIS, it was voted on, and that waiver was included. However, Mr. Burgis pointed out he would like additional documentation, and they did do a Phase I; they will do a Phase II. The variance for two wall signs was addressed and granted by the Judge, even though the architectural plans show only one. There was testimony as to two. The front yard variance, and impervious were covered in the Court's opinion. They would agree to sidewalks. Mr. Hall indicated they agreed with Mr.

(WWPB 10/16/08)

Snieckus' report. A final site plan submittal would be made. Mr. Randall advised these are submissions per the preliminary approval.

Mr. Randall advised the Board could accept the conditions as proposed or discuss further, either one-by one or otherwise for the record. These would be the conditions that Mr. Randall would include in his resolution.

John Martinez, Site Engineer, from Kenderian-Zilinski Associates, was sworn in and testified as to the list of conditions as appears on the plans prepared by his office. The List of Conditions was read by Mr. Martinez and agreed to:

1. At the curb line, install bricks 2-1/2';
2. Applicant will work with Board regarding signage;
3. Easement for road widening along Irvington - Mr. Raimondi commented it must be approved by the County, which they agreed to;
4. Pocket Park along Washington and Madison;
5. Right turn only sign at exit to Madison;
6. Stop bar by nine long term spaces to be put back on the plans;
7. Length of striping on employee only spaces - 2' of over hang on grass;
8. Perimeter lighting directed in such a way so traffic on Broadway will not be affected;
9. Evergreen trees on wall of Iron Horse Tavern and southerly parking lot;
10. Architectural element-East elevation facing railroad track-insert another cornice;
11. Agreement to provide parking meters;

Questions and/or comments by Board Members followed. Mr. Martin asked procedurally if the Board was opening to the public. Mr. Randall said we are sticking to the principal and imposing conditions. He would ask if anyone had questions or comments on the conditions only. Ms. Costello asked about the retaining wall, and Mr. Hall said they would show it on the plan. Mr. Bicocchi asked if the lighting would be consistent with the downtown lighting, and Mr. Martinez responded yes.

Mr. Hodges asked if there was anyone in the public who wished to come forward on the conditions mentioned. Dikin

(WWPB 10/16/08)

Ohanyan, 612 Taco Avenue, Westwood, NJ was concerned that his fence may come down and that they may trespass onto his property. Mr. Hodges said it is up to him to protect his property and Mr. Randall advised they are not telling them to do anything with his property. There were no further questions or comments from the public.

Mr. Randall outlined the parameters of the conditions, including approvals from County and governmental agencies. A developer's agreement would have to be entered into, and escrows would have to be satisfied. We are complying with a Court Order and are required to issue a Resolution of approval pursuant to the Court's mandate, and would recommend a motion for approval with the conditions as stated by the applicant. The Court has approved it, and we have to issue an approving Resolution incorporating these conditions. Chairman Hodges called for a motion for approval with the conditions set forth by Mr. Hall and our professionals. A motion was so made by Mr. von Bradsky and seconded by Mr. Martin. There were no further questions, comments or discussions. On roll call vote, William Martin, Otokar von Bradsky, Ann Costello, James Schluter, Robert Bicocchi, and Chairman Hodges voted yes. Thomas Constantine and Daniel Olivier were recused and not eligible to vote.

9. DISCUSSIONS:

1. Update of Site Plan Application - Mr. Snieckus requested any notes or comments from the Board to provide to the Administration Department. Mr. Raimondi had submitted his comments. Mr. Martin gave his suggestions on the Checklist. Mr. Snieckus indicated he would take all the comments and codify the document accordingly.

2. COAH Analysis - Mr. Snieckus stated he will also have the COAH analysis for the next meeting.

10. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 9:20 p.m.

Respectfully submitted

MARY R. VERDUCCI, Paralegal
Planning Board Secretary